

NJDHSS Right to Know Program Update

7th Annual Right to Know Forum

October 28, 2004

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Significant Program Activities

- Proposed readoption with amendments of DHSS Right to Know Rules
- Conversion of SIC codes to NAICS codes
- PEOSH Program adoption of the PEOSH Hazard Communication Standard (HCS)
- 2003 RTK Survey – complete inventory
- Hazardous Substance Fact Sheets on CD

Proposed Readoption of DHSS Right to Know Rules

- Will appear in the *New Jersey Register* on November 1, 2004
- Public Hearing on December 10, 2004
- Public comments due December 31, 2004
- State agency rules must be readopted every five years
- Amendments are also being proposed

Proposed Amendments to Rules

- Conversion of SIC codes to NAICS codes
- DEP made the conversion in their RTK rules by adopting an amendment on September 7, 2004
- DHSS is proposing to adopt the exact same North American Industry Classification System (NAICS) codes
- The intent is to maintain an “equivalent universe” of covered private employers

Proposed Amendments to Rules

- The PEOSH Program adopted the PEOSH Hazard Communication Standard (HCS) on May 3, 2004
- The section covering education and training of public employees about hazardous chemicals significantly overlaps with the Worker and Community Right to Know Act
- Proposed amendments to the RTK rules will delete RTK education and training requirements
- The PEOSH Program will be the sole program enforcing education and training

Proposed Amendments to Rules

- The rules for certification of RTK consultants and consulting agencies are being proposed for deletion because a RTK training program will not meet 100% of the PEOSH Hazard Communication Standard education and training requirements
- There are also a few minor technical amendments

PEOSH Program Adoption of the PEOSH Hazard Communication Standard (HCS)

- Only affects the RTK Program in regard to education and training and certification
- All other provisions of the RTK Act are being enforced by the RTK Program
 - ◆ RTK Survey
 - ◆ RTK labeling
 - ◆ RTK Central File
 - ◆ RTK poster

PEOSH Program Adoption of the PEOSH Hazard Communication Standard (HCS)

- Impact on RTK - The PEOSH Program will now enforce the education and training of public employees about hazardous substances, instead of the RTK Program, under the PEOSH HCS
- Some requirements from RTK education and training have been added to the PEOSH HCS, such as the requirement for a “technically qualified person” to perform the training
- This will be covered in detail in the PEOSH Program’s presentation on the PEOSH HCS

2003 Right to Know Survey

- This is the first year of a new five-year cycle for RTK Surveys
- A complete inventory of hazardous substances must be submitted
- Many surveys are coming in with major errors and are being sent back to employers for correction
- The deadline for submission was July 15, 2004
- Employers who have not submitted their surveys by now will receive enforcement letters

Hazardous Substance Fact Sheets will be made available on CD

- The RTK Program will be offering a complete set of Hazardous Substance Fact Sheets on CD by the end of the year
- The cost will be \$129 per year
- One update with new and revised Fact Sheets will be sent to subscribers during the 12-month subscription period
- A flyer is available on the RTK table

Other Program Activities

- A substantial penalty for non-return of RTK Surveys was issued earlier this year and has been appealed
- Work on updating the RTK Hazardous Substance List continues
- Hazardous Substance Fact Sheets continue to be translated into Spanish
- Putting on the annual RTK Forum is now a major activity of the Program

For further information, contact:

- Right to Know Program

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